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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS DAVID WHOLECHEESE,

Defendant.

No. 4:16-cr-00008-RRB

**SUPPLEMENT TO RESPONSE IN OPPOSITION TO “MOTION FOR  
COMPASSIONATE RELEASE PURSUANT TO 18 U.S.C. § 3582(c)(1)(A)”**

In its response opposing the defendant’s motion for compassionate release, ECF No. 61, the government asserted that the defendant had not requested compassionate release through the Bureau of Prisons. That claim was incorrect: BOP has since informed the government that the defendant did submit a request for compassionate release to BOP on May 15, 2020. That request was denied on May 28. As noted in the denial letter, Wholecheese has the opportunity to appeal this decision within BOP. He has therefore not

yet “fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion” requesting compassionate release on his behalf: he must either do so, or wait until 30 days has passed from his first request, before bringing this matter to court. 18 U.S.C. § 3582(c)(1)(A). *United States v. Alam*, --- F.3d ---, 2020 WL 2845694 (6th Cir. June 2, 2020). Accordingly, the court still lacks jurisdiction to hear his claim at the present time. Moreover, denial of the request remains appropriate for the reasons set forth in the original response.

RESPECTFULLY SUBMITTED June 4, 2020 at Anchorage, Alaska.

BRYAN SCHRODER  
United States Attorney

/s James Klugman  
JAMES KLUGMAN  
Assistant United States Attorney  
United States of America

**CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2020  
a true and correct copy of the foregoing  
was served electronically on:

Burke Wonnell

/s James Klugman  
Office of the U.S. Attorney

U.S. v. Wholecheese  
4:16-cr-00008-RRB